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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 6 August 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

The Government of Azerbaijan has repeatedly stated that there is a convincing body of evidence attesting to the military aggression of Armenia against Azerbaijan. Facts illustrate that Armenia bears the primary responsibility for unleashing war against Azerbaijan, occupying its territories, committing the most serious international crimes during the conflict, carrying out ethnic cleansing and creating a monoethnic culture in the captured Azerbaijani territories. Further, Armenia has sustained the existence of an illegally created subordinate separatist entity within the internationally recognized territory of Azerbaijan, by a variety of means, including the maintenance of military forces in the Nagorno-Karabakh region and other occupied areas of Azerbaijan.

According to the Ministry of Defence of Armenia and this country's mass media reports, on 28 July 2010 an incident involving the use of firearms and resulting in casualties took place in one of the military units of the armed forces of Armenia deployed in the occupied Khojavand district of Azerbaijan. It has been reported that a senior lieutenant (Vardges Tatevosyan from Yerevan, Armenia) and five conscripts (Garegin Hovsepyan from Etchmiatzin, Armenia, Andranik Sargsyan from Yerevan, Armenia, Robert Hovhannisyan from Vanadzor, Armenia, Artyom Minasyan from Charentsavan, Armenia, and Karo Ayvazyan from Yerevan, Armenia), all citizens and residents of Armenia who were sent to serve in the occupied territories of Azerbaijan as part of their military service, were killed as a result of violence and exchange of fire between Armenian militaries.

This is not the only example of arbitrariness predominating in the armed forces of Armenia. Thus, according to Armenian mass media reports, on 16 July 2010 another conscript from Armenia, 22-year-old Arman Avakyan, was killed by his

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officer in one of the military units of the armed forces of Armenia deployed in the occupied territories of Azerbaijan.

The above incidents, along with many others of the same nature, demonstrate clearly that, despite attempts of official Yerevan to disguise the direct involvement of the armed forces of Armenia in the military hostilities against Azerbaijan and the presence of these forces within the latter's occupied areas, Armenia exercises in practice effective military control of these territories.

It is essential to recall, in this regard, that the illegality of these actions has been repeatedly stated at the international level in the most unambiguous manner.

The Security Council has consistently reaffirmed both the sovereignty and territorial integrity of Azerbaijan and the inadmissibility of the use of force for the acquisition of territory. It has also called on a number of occasions for immediate, full and unconditional withdrawal of the occupying forces from all the occupied territories of Azerbaijan.

A similar position has been adopted by the United Nations General Assembly in its resolution 62/243 of 14 March 2008, entitled "The situation in the occupied territories of Azerbaijan". Resolution 1416 (2005), adopted on 25 January 2005 by the Parliamentary Assembly of the Council of Europe, noted particularly that "[c]onsiderable parts of the territory of Azerbaijan are still occupied by Armenian forces" and reiterated that "the occupation of foreign territory by a member state constitutes a grave violation of that state's obligations as a member of the Council of Europe".

The European Parliament, in its resolution of 20 May 2010 entitled "The need for an EU strategy for the South Caucasus", inter alia, reaffirmed the sovereignty and territorial integrity of the countries of the region and demanded the withdrawal of Armenian forces from all occupied territories of Azerbaijan.

Consequently, it has been internationally recognized that Azerbaijani territories are under occupation and that Armenia has been actively involved in the creation and maintenance of that situation. The occupation by force of these territories constitutes a flagrant breach by Armenia of the relevant international legal principles and entails this State's international responsibility, which, inter alia, includes the obligation to cease illegal acts and to offer appropriate assurances and guarantees that they will not recur.

Against the background of complete collapse of its annexationist policy and obvious demoralization of its armed forces, striking illustrations of which are the aforementioned recent bloody incidents, Armenia must finally realize that, for its own good and for the purposes of lasting peace and stability, there is no alternative other than putting a prompt end to its illegal occupation of Azerbaijani territories, renouncing its territorial claims and establishing good-neighbourly relations with all regional countries.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 14 and 18 of its sixty-fourth session, and of the Security Council.

(*Signed*) Tofig **Musayev**
Chargé d'affaires a.i.